

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

GREGG FREISHTAT, as
Shareholders' Representative,

Plaintiff,

V.

LIVEPERSON, INC.,

Defendant.

Civil Action No. 1:07-CV-6838-JGK

**DEFENDANT'S NOTICE OF
MOTION FOR JUDGMENT
ON THE PLEADINGS**

PLEASE TAKE NOTICE that upon all of the pleadings filed in the above-captioned action and the Memorandum of Law in Support of Defendant LivePerson, Inc.'s Motion for Judgment on the Pleadings and in Opposition to Plaintiff's Petition for Appointment of Accounting Referee, dated December 5, 2007, Defendant LivePerson, Inc. will move this Court, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 12B, New York, New York 10007, before the Honorable John G. Koeltl, on a date and at such time as may be designated by the Court, for an Order granting Defendant's Motion for Judgment on the Pleadings, pursuant to Fed. R. Civ. P. 12(c), and denying Plaintiff's Petition for Appointment of Accounting Referee.

Respectfully submitted,

Dated: December 5, 2007
New York, New York

By: /s/ Douglas F. Curtis
Douglas F. Curtis (DC 2076)
Brian B. Margolis
Justina L. Geraci (JG 0007)
WILMER CUTLER PICKERING
HALE AND DORR LLP
399 Park Avenue
New York, NY 10022
Tel: 212-230-8800
Fax: 212-230-8888
douglas.curtis@wilmerhale.com

Attorneys for Defendant LivePerson, Inc.

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of Defendant LivePerson, Inc.'s Motion for Judgment on the Pleadings and in Opposition to Plaintiff's Petition for Appointment of Accounting Referee, was served upon the following counsel of record on December 5, 2007, electronically and via hand delivery:

Christopher G. Campbell
Arthur D. Brannan
Anthony D. Lehman
DLA PIPER US LLP
One Atlantic Center
1201 West Peachtree Street
Suite 2800
Atlanta, Georgia 30309-3450
christopher.campbell@dlapiper.com
arthur.brannan@dlapiper.com
anthony.lehman@dlapiper.com

/s/ Justina L. Geraci
Justina L. Geraci